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In re Application of :
FRAZER, Ian et al. :
Application No.: 09/868,009 :
PCT No.: PCT/AU99/01108 :
Int. Filing Date: 13 December 1999 :
Priority Date: 11 December 1998 :
Attorney's Docket No.: 10905.0003.PCUS00 :
For: TREATMENT OF PAPILLOMAVIRUS:
INFECTIONS :
:

DECISION ON
REQUEST
UNDER 37 CFR 1.42

This decision is in response to applicants' "Response to Decision on Request Under 37 C.F.R. §1.42," filed with the United States Patent and Trademark Office on 21 November 2002.

BACKGROUND

On 13 December 1999, applicants filed international application PCT/AU99/01108. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 22 June 2000. On 24 May 2000, a demand for international preliminary examination was filed within nineteen months from the priority date. As such, the deadline for entry into the national stage in the United States was 11 June 2001.

On 11 June 2001, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 04 February 2002, USPTO mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a)-(b) was required.

On 04 June 2002, applicants filed a declaration.

On 24 September 2002, the Office mailed Decision On Request Under 37 CFR 1.42.

DISCUSSION

Under 35 U.S.C. §117, legal representatives of deceased inventors may make application for patent upon compliance with the requirements and on the same terms and conditions

applicable to the inventor. The "legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent." 37 CFR 1.42.

The new declaration lists the information of Inventor Frazer and that of the legal representative of deceased inventor Jian Zhou, Xiao Yi Sun, in addition to the information of Jian Zhou. The declaration complies with 37 CFR 1.497(a)-(b) and 37 CFR 1.42.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **GRANTED**.

The application has an international filing date of 13 December 1999 under 35 U.S.C. §363 and a date of 21 November 2002 under 35 U.S.C. §371. This application is being forwarded to the National Stage Processing Division of the Office of the PCT Operations for continued processing.



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